



1 lacks sufficient knowledge or information to determine the truth of the allegation  
 2 concerning the number of people the essay was published to. Defendant is informed  
 3 and believes and on such information and belief admits Plaintiff is his biological  
 4 father. Defendant denies the remaining allegations in Paragraph 1.

5       2. Defendant admits he wrote the published essay. Defendant admits the  
 6 essay speaks for itself. Defendant denies the remaining allegations in Paragraph 2.

7       3. Defendant admits he wrote the published essay. Defendant admits the  
 8 essay speaks for itself. Defendant denies the remaining allegations in Paragraph 3.

9       4. Defendant denies the allegations in Paragraph 4.

10       10. Defendant denies Plaintiff's charges of libel in Paragraph 10.

11 Defendant lacks sufficient knowledge or information to determine the truth of the  
 12 remaining allegations in Paragraph 10, and therefore denies each and every  
 13 remaining allegation therein.

14       23. Defendant denies the allegations in Paragraph 23.

15       24. Defendant denies the allegations in Paragraph 24.

16       25. Defendant lacks sufficient knowledge or information to determine the  
 17 truth of the allegations in Paragraph 25, and therefore denies the allegations therein.

18       26. Defendant denies the allegations in Paragraph 26.

19       27. Defendant admits the essay speaks for itself. Defendant lacks sufficient  
 20 knowledge or information to determine the truth of the allegation in Paragraph 27  
 21 that Plaintiff is not a homophobic bigot, and therefore denies the allegation.  
 22 Defendant denies the remaining allegations in Paragraph 27.

23       37. Defendant admits that he published an essay on his Tumblr account on  
 24 or about the date alleged in Paragraph 37. Defendant admits that the essay speaks for  
 25 itself. Defendant admits that the essay was published to members of the public, but  
 26 lacks sufficient knowledge or information to determine the truth of the allegation  
 27 concerning the number of people the essay was published to. Defendant denies the  
 28 remaining allegations in Paragraph 37.

38. Defendant denies the allegations in Paragraph 38.

39. Defendant denies the allegations in Paragraph 39.

40. Defendant denies the allegations in Paragraph 40.

41. Defendant denies the allegations in Paragraph 41.

42. Defendant denies the allegations in Paragraph 42.

43. Defendant admits the total of Plaintiff's claimed damages in Paragraph 42 totals \$14.5 million dollars. Defendant denies the remaining allegations in Paragraph 43.

44. Defendant is informed and believes and on such information and belief admits the allegation that Plaintiff is proceeding in the action pro se. Defendant cannot admit or deny the remaining statements in Paragraph 44 as they do not contain factual allegations.

45. Defendant cannot admit or deny the statements in Paragraph 45 as they do not contain any factual allegations.

46. Except as otherwise admitted herein, Defendant denies all of the allegations of the Complaint.

### **AFFIRMATIVE DEFENSES**

Further, as separate affirmative defenses to each and every claim for relief of the Complaint, Defendant is informed and believes, and on such information and belief alleges as follows:

### **FIRST AFFIRMATIVE DEFENSE**

#### **(Failure to State a Claim)**

1. Plaintiff's Complaint as a whole, and each purported cause of action alleged therein, or some of them, fails to state a claim upon which relief can be granted.

///

///

///

**SECOND AFFIRMATIVE DEFENSE**

**(Statute of Limitations)**

2. Plaintiff's Complaint as a whole, and each purported cause of action alleged therein, or some of them, is barred by applicable statutes of limitations, including, but not limited to, 17 U.S.C. section 507, and California Code of Civil Procedure section 340(c).

**THIRD AFFIRMATIVE DEFENSE**

**(Failure to Mitigate)**

3. Plaintiff's Complaint as a whole, and each purported cause of action alleged therein, or some of them, is barred by Plaintiff's failure to mitigate his alleged damages, to the extent any damages exist.

**FOURTH AFFIRMATIVE DEFENSE**

**(Laches)**

4. Plaintiff has unreasonably delayed in bringing its claims to the substantial prejudice of Defendant and by reason thereof has been guilty of laches, and Plaintiff is thereby prejudiced from recovery in the within action.

**FIFTH AFFIRMATIVE DEFENSE**

**(Estoppel)**

5. Plaintiff, by the statements, conduct, acts, omissions and acquiescence attributable to Plaintiff, is estopped from seeking any recovery or remedy as alleged in the Complaint.

**SIXTH AFFIRMATIVE DEFENSE**

**(De Minimis)**

6. Plaintiff's Complaint as a whole, and each purported cause of action alleged therein, or some of them, is barred by the *de minimis* doctrine.

///

///

///

**SEVENTH AFFIRMATIVE DEFENSE****(Lack of Subject Matter Jurisdiction)**

7. The United States District Court for the Central District of California does not have subject matter jurisdiction over Plaintiff's Complaint, and each and every cause of action alleged therein.

**EIGHTH AFFIRMATIVE DEFENSE****(Improper Venue)**

8. The United States District Court for the Central District of California is an improper venue to hear the claims.

**NINTH AFFIRMATIVE DEFENSE****(Truth)**

9. Defendant alleges the statements made are true. "Truth, of course, is an absolute defense to any libel action." *Campanelli v. Regents of Univ. of Cal.*, 44 Cal. App. 4<sup>th</sup> 572, 581-82 (Cal. App. 1st Dist. Apr. 11, 1996).

**TENTH AFFIRMATIVE DEFENSE****(Statement of Opinion)**

10. Defendant alleges the statements made are statements of opinion, and thus not the proper subjects of a libel claim.

**ELEVENTH AFFIRMATIVE DEFENSE****(Waiver)**

11. Defendant knowingly and voluntarily relinquished a known and appreciated right.

**TWELFTH AFFIRMATIVE DEFENSE****(Privilege)**

12. Plaintiff is barred from relief on the Complaint, and on each purported cause of action alleged therein, because Defendant's conduct was justified and/or privileged under the circumstances, including, but not limited to, because they constituted fair comment.

**THIRTEENTH AFFIRMATIVE DEFENSE****(Unclean Hands)**

13. Plaintiff cannot seek damages or equity because Plaintiff comes to the Court with unclean hands.

**FOURTEENTH AFFIRMATIVE DEFENSE****(Public Figure Plaintiff)**

14. Plaintiff is a public figure, and as such is unable to meet his heightened burden of proof to sustain the claim for libel.

**FIFTEENTH AFFIRMATIVE DEFENSE****(Plaintiff's Own Negligence and Willful Acts)**

15. Any and all alleged events and happenings, injuries, losses or damages referred to in Plaintiff's Complaint were directly and proximately caused and contributed to, in whole or in part, by the carelessness, negligence, and willful acts of Plaintiff herein, and therefore the extent of loss, damages or injury sustained by Plaintiff, if any, should be reduced in proportion to the amount of negligence or fault attributable to Plaintiff.

**SIXTEENTH AFFIRMATIVE DEFENSE****(Offset)**

16. By virtue of the statements, conduct, acts, omissions, and acquiescence attributable to Plaintiff, Defendant has incurred damages and expenses, all in the same amounts to be ascertained according to proof at trial, and applied as an offset against the claims and causes of action contained in the Complaint.

**SEVENTEENTH AFFIRMATIVE DEFENSE****(Right to Add Additional Affirmative Defenses)**

17. Defendant hereby preserves its right to add any and all affirmative defenses not stated herein.

///

///

**PRAYER**

WHEREFORE, Defendant prays that:

1. the Court enter an order declaring that Plaintiff shall recover nothing by his Complaint;
2. the Complaint be dismissed with prejudice;
3. the Court enter judgment in his favor and against Plaintiff;
4. the Court award Defendant his fees and costs incurred in defense of this Complaint, including but not limited to attorney's fees; and
5. for such other relief as the Court deems just and proper.

Dated: May 10, 2017

KING, HOLMES, PATERNO & SORIANO,  
LLP

By: /s/ Howard E. King  
HOWARD E. KING, ESQ.  
STEPHEN D. ROTHSCHILD, ESQ.  
Attorneys for Defendant  
FRANK OCEAN

Dated: May 10, 2017

BREMER, WHYTE, BROWN & O'MEARA,  
LLP

By: /s/ Benjamin L. Price  
KEITH G. BREMER  
BENJAMIN L. PRICE  
SEAN D. WILLET  
Attorneys for Defendant  
FRANK OCEAN

**DEMAND FOR JURY TRIAL**

Defendant hereby demands a trial by jury.

Dated: May 10, 2017

KING, HOLMES, PATERNO & SORIANO,  
LLP

By: /s/ Howard E. King

HOWARD E. KING, ESQ.  
STEPHEN D. ROTHSCHILD, ESQ.  
Attorneys for Defendant  
FRANK OCEAN

Dated: May 10, 2017

BREMER, WHYTE, BROWN & O'MEARA,  
LLP

By: /s/ Benjamin L. Price

KEITH G. BREMER  
BENJAMIN L. PRICE  
SEAN D. WILLET  
Attorneys for Defendant  
FRANK OCEAN



**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 20320 S.W. Birch Street, Second Floor, Newport Beach, California 92660.

On May 10, 2017, I served the within document(s) described as:

DEFENDANT FRANK OCEAN'S ANSWER TO PLAINTIFF'S COMPLAINT

on the interested parties in this action as stated on the attached mailing list.

☒ (BY ELECTRONIC SERVICE) Complying with Code of Civil Procedure § 1010, I caused such document(s) to be Electronically Filed and Served through the Central District Court ECF for the above-entitled case. Upon completion of transmission of said document(s), a filing receipt is issued to the filing party acknowledging receipt, filing and service by Central District Court ECF's system. A copy of the Central District Court ECF filing receipt page will be maintained with the original document(s) in our office.

Executed on May 10, 2017, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Deborah Hernandez

(Type or print name)

(Signature)

**Calvin Edward Cooksey v. Frank Ocean, et al.**

**Case No. 2:17-cv-00839-SVW-(AGRx)**

**BWB&O CLIENT: Frank Ocean**  
**BWB&O FILE NO.: 1317.002**

**SERVICE LIST**

Calvin Edward Cooksey P.O. Box 2526 Albuquerque, NM 87125 <a href="mailto:Calvinedawrdcooksey@gmail.com">Calvinedawrdcooksey@gmail.com</a>  <b>Plaintiff Pro Per</b>	Howard E. King Stephen D. Rothschild KING, HOLMES PATERNO & SORIANO, LLP 1900 Avenue of the Stars, 25 <sup>th</sup> Floor Los Angeles, CA 90067-4506  (310) 282-8989  Co-Counsel for Defendant, Frank Ocean	
---	--	--